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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	Case No.: 2:12-CR-145-MMD-GWF
Plaintiff,)	
)	MOTION TO STRIKE DEFENDANT'S
vs.)	IMPROPERLY FILED PLEADINGS
)	
RYAN MASTERS,)	
)	
Defendant.)	

The undersigned counsel certifies that this motion is timely filed.

COMES NOW, the United States, by and through DANIEL G. BOGDEN, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, and moves to strike Defendant's *pro se* motion to seeking recusal of the Honorable Judge Du and reassignment to new judge who would conduct the Defendant's re-sentencing hearing, (Doc. No. 352), for the following reasons:

Defendant is currently represented by Kevin Stolworthy, Esq. Local Rule IA 10-6 provides that, "A party who has appeared by attorney cannot while so represented appear or act in the case. An attorney who has appeared for a party shall be recognized by the Court and all the parties as having control of the client's case." Further, pursuant to Local Rules IA 10-1

1 through 10-5, only attorneys and supervised law clerks are permitted to practice before the
2 District Court. The filing of *pro se* pleadings or pleadings by non-attorneys, who are not
3 admitted to practice before the District Court, is thus prohibited by the local rules and should
4 thus be stricken and given no consideration by the Court. Therefore, the United States
5 respectfully requests that the Court strike this pleading.

6 If the Court declines to strike the Defendant's improper *pro se* filing, and instead desires
7 the Government to respond in opposition to the recusal motion on its merits, the Government
8 would ask that it be given fourteen days from the issuance of any order directing the
9 Government to respond on the merits within which to file the Government's substantive
10 opposition.

11
12 **CONCLUSION**

13 For the foregoing reason, the United States respectfully requests the Court strike
14 Defendant's *pro se* motion to seeking recusal of the Honorable Judge Du and reassignment to
15 new judge who would conduct the Defendant's re-sentencing hearing, (Doc. No. 352),

16 Dated: February 18, 2016.

17 Respectfully submitted,

18 DANIEL G. BOGDEN,
19 United States Attorney

20 /s/ Kimberly M. Frayn
21 KIMBERLY M FRAYN
22 Assistant United States Attorney
23
24

PROPOSED ORDER

IT IS SO ORDERED, Defendant's *pro se* motion to seeking recusal of the Honorable Judge Du and reassignment to new judge who would conduct the Defendant's re-sentencing hearing, (Doc. No. 352), is stricken for failure to comply with Local Rule IA-10-6.



U.S. MAGISTRATE COURT JUDGE

February 19, 2016

CERTIFICATE OF SERVICE

I, Kimberly M. Frayn , certify that the following individual was served with a copy of the GOVERNMENT'S MOTION TO STRIKE DEFENDANT'S IMPROPERLY FILED PLEADINGS on this date by *Electronic Case Filing* to defense counsel Kevin Stolworthy, Esq..

DATED: February 18, 2016.

//s// Kimberly M. Frayn

KIMBERLY M. FRAYN
Assistant United States Attorney